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DEC 19 2007

**Board of Vocational Nursing
and Psychiatric Technicians**

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10 **BEFORE THE**
11 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. VN-2004-1938

14 **WILLIAM CROMWELL II, aka**
15 **WILLIAM PAUL CROMWELL II**
3186 54th Street
San Diego, CA 92105

ACCUSATION

16 **Vocational Nurse License No. VN 209337,**

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this
22 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
23 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

24 2. **William Cromwell II.** On or about May 20, 2004, the Board of
25 Vocational Nursing and Psychiatric Technicians ("Board") issued Vocational Nurse License
26 Number VN 209337 to William Cromwell II, also known as William Paul Cromwell II
27 ("Respondent"). The license will expire on August 31, 2009, unless renewed.

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Every licensee may be disciplined as provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

4. Code section 2860 provides:

5. Code section 2878 provides, in pertinent part:

(a) Unprofessional conduct . . .

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6. Code section 2878.5, subdivision (a), provides:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

• • • •

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in subdivision (b).

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1 7. Code section 4022 provides:

2 “Dangerous drug” or “dangerous device” means any drug
3 or device unsafe for self-use in humans or animals, and includes
4 the following:

5 (a) Any drug that bears the legend: “Caution: federal law
6 prohibits dispensing without prescription,” “Rx only,” or words
7 of similar import.

8 (b) Any device that bears the statement: “Caution:
9 federal law restricts this device to sale by or on the order of a
10 _____,” “Rx only,” or words of similar import, the blank
11 to be filled in with the designation of the practitioner licensed
12 to use or order use of the device.

13 (c) Any other drug or device that by federal or state law
14 can be lawfully dispensed only on prescription or furnished
15 pursuant to Section 4006.

16 8. Code section 4060 provides, in pertinent part:

17 No person shall possess any controlled substance, except
18 that furnished to a person upon the prescription of a physician,
19 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
20 pursuant to Section 3640.7, or furnished pursuant to a drug order
21 issued by a certified nurse-midwife pursuant to Section 2746.51, a
22 nurse practitioner pursuant to Section 2836.1, a physician assistant
23 pursuant to Section 3502.1, a naturopathic doctor pursuant to
24 Section 3640.5, or a pharmacist pursuant to either subparagraph
25 (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of
26 paragraph (5) of, subdivision (a) of Section 4052. This section
27 shall not apply to the possession of any controlled substance by a
28 manufacturer, wholesaler, pharmacy, pharmacist, physician,
 podiatrist, dentist, optometrist, veterinarian, naturopathic doctor,
 certified nurse- midwife, nurse practitioner, or physician assistant,
 when in stock in containers correctly labeled with the name and
 address of the supplier or producer.

 9. Health and Safety Code section 11171 provides:

 No person shall prescribe, administer, or furnish a
 controlled substance except under the conditions and in the
 manner provided by this division.

 10. Health and Safety Code section 11173, subdivision (a), provides:

 (a) No person shall obtain or attempt to obtain controlled
 substances, or procure or attempt to procure the administration of
 or prescription for controlled substances, (1) by fraud, deceit,
 misrepresentation, or subterfuge; or (2) by the concealment of a
 material fact.

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11. Code section 125.3 provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

12. “Dilaudid” is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(k), and a dangerous drug within the meaning of Code section 4022.

13. “Famotidione” is a dangerous drug within the meaning of Code section 4022.

14. "Lasix" is a dangerous drug within the meaning of Code section 4022.

15. “Morphine/Morphine Sulfate” is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(m), and a dangerous drug within the meaning of Code section 4022.

16. “Zofran” is a dangerous drug within the meaning of Code section 4022.

Background

17. Beginning on or about October 11, 2004, Respondent was employed as a licensed vocational nurse at Kaiser Permanente, San Diego Medical Center (Kaiser SDMC), located in San Diego, California. From on or about March 10, 2005, through on or about April 26, 2005, Respondent obtained intravenous (IV) injections of controlled substances and dangerous drugs to patients without a physician's order to do so, and without properly accounting for those controlled substances and dangerous drugs in any hospital, patient, or other record.

FIRST CAUSE FOR DISCIPLINE

(False, Grossly Incorrect, or Grossly Inconsistent Record Entries)

18. Respondent's license is subject to discipline for unprofessional conduct under Code sections 2878, subdivision (a), and 2878.5, subdivision (e), in that, while employed at Kaiser SDMC, Respondent committed acts involving false, grossly incorrect, or

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grossly inconsistent entries in hospital, patient, or other records pertaining to controlled substances/dangerous drugs, as follows:

a. **Patient #83.** On or about March 10, 2005, at approximately 2030 hours, Respondent obtained a 4 mg dose of Morphine Sulfate for IV administration to Patient #83. Respondent inconsistently recorded the administration of the 4 mg IV dose of Morphine Sulfate to Patient #83 at 1830 hours, two hours before it had been obtained.

b. **Patient #21.** On or about March 15, 2005, at approximately 1500 hours and at 1900 hours, Respondent obtained a 2 mg dose of Dilaudid each time for IV administration to Patient #21. Respondent documented the administration of a 2 mg IV dose of Dilaudid to Patient #21 at 1540 hours, and a 2 mg IV dose of Dilaudid at 1800 hours. Respondent also inconsistently recorded the administration of a third 2 mg IV dose of Dilaudid to Patient #21 at 2030 hours.

c. **Patient #70.** On or about March 22, 2005, at approximately 1900 hours, Respondent obtained a 4 mg dose of Morphine Sulfate for IV administration to Patient #70. Respondent inconsistently documented the administered a 6 mg IV dose of Morphine Sulfate to Patient #70 at 1945 hours, At approximately 2200 hours, without a physician's order to do so, Respondent obtained a 4 mg dose of Zofran for IV administration to Patient #70, and documented the administration of a 4 mg IV dose of Zofran to Patient #70 at 2200 hours.

d. **Patient #80.** On or about March 24, 2005, at approximately 1605 hours and at 1930 hours, Respondent obtained a 2 mg dose of Dilaudid each time for IV administration to Patient #80. Respondent inconsistently recorded the administration of a 4 mg IV dose of Dilaudid to Patient #80 at 1530 hours, thirty-five minutes before it had been obtained. Respondent also document the administration of an unspecified IV dose of Dilaudid to Patient #80 at 1930 hours.

e. **Patient #01.** On or about March 25, 2005, at approximately 1630 hours, without a physician's order to do so, Respondent obtained two 2 mg doses of Dilaudid for IV administration to Patient #01. Respondent failed to document the disposition of the two 2 mg IV doses of Dilaudid in any hospital, patient, or other record.

1 f. **Patient #59.** On or about March 27, 2005, at approximately 1930
2 hours and at 2100 hours, Respondent obtained a 4 mg dose of Morphine Sulfate each time for IV
3 administration to Patient #59. Respondent inconsistently documented the administration
4 of a 4 mg IV dose of Morphine Sulfate to Patient #59 at 1530 hours, four hours before it had
5 been obtained. Respondent also documented the administration of a 4 mg IV dose of Morphine
6 Sulfate to Patient #59 at 1954 hours.

7 g. **Patient #908.** On or about April 7, 2005, at approximately 2100 hours,
8 Respondent documented the administration of an unspecified dose of Famotidione to Patient
9 #908, and at approximately 2130 hours, Respondent documented the administration of an
10 unspecified dose of Lasix to Patient #908. Respondent failed to document that either of those
11 substances had been obtained for patient administration.

12 h. **Patient #52.** On or about April 14, 2005, at approximately 1530 hours
13 and at 1600 hours, without a physician's order to do so, Respondent obtained a 2 mg dose of
14 Dilaudid each time for IV administration to Patient #52. Respondent failed to document the
15 disposition of the two 2 mg IV doses of Dilaudid in any hospital, patient, or other record.

16 i. **Patient #47A.** On or about April 18, 2005, at approximately 1525
17 hours and at 1900 hours, without a physician's order to do so, Respondent obtained a 2 mg dose
18 of Dilaudid each time for IV administration to Patient #47A. Respondent failed to document
19 the disposition of the two 2 mg IV doses of Dilaudid in any hospital, patient, or other record.

20 j. **Patient #04.** On or about April 18, 2005, at approximately 1818
21 hours, without a physician's order to do so, Respondent obtained a 2 mg dose of Dilaudid
22 for IV administration to Patient #04. Respondent failed to document the disposition of the
23 2 mg IV dose of Dilaudid in any hospital, patient, or other record.

24 k. **Patient #12.** On or about April 18, 2005, at approximately 1500 hours,
25 1800 hours, and at 2045 hours, Respondent obtained a 10 mg dose of Morphine Sulfate each time
26 for IV administration to Patient #12. Respondent documented the administration of a 6 mg IV
27 dose of Morphine Sulfate to Patient #12 at 1506 hours and at 1800 hours, and the administration

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1 of an unspecified IV dose of Morphine Sulfate at 2045 hours. Respondent failed to document
2 the disposition of 18 mgs of the IV Morphine Sulfate in any hospital, patient, or other record.

3 1. **Patient #76**. On or about April 19, 2005, at approximately 1530
4 hours, without a physician's order to do so, Respondent obtained two 2 mg doses of Dilaudid
5 for IV administration to Patient #76. Respondent failed to document the disposition of the two
6 2 mg IV doses of Dilaudid in any hospital, patient, or other record.

7 m. **Patient #47B**. On or about April 20, 2005, at approximately 1800
8 hours and at 1930 hours, without a physician's order to do so, Respondent obtained a 4 mg dose
9 of Dilaudid each time for IV administration to Patient #47B. Respondent failed to document
10 the disposition of the two 4 mg IV doses of Dilaudid in any hospital, patient, or other record.

11 n. **Patient #44A**. On or about April 25, 2005, at approximately 1620
12 hours, 1800 hours, and at 1930 hours, Respondent obtained a 2 mg dose of Dilaudid each time
13 for IV administration to Patient #44A. Respondent documented the administration of a 0.5 mg
14 IV dose of Dilaudid to Patient #44A at 1620 hours, and a 0.5 mg IV dose of Dilaudid at 1900
15 hours. Respondent failed to document the disposition of 3 mgs of the IV Dilaudid in any
16 hospital, patient, or other record.

17 o. **Patient #44B**. On or about April 26, 2005, at approximately 1520
18 hours, 1720 hours, 1855 hours, and at 2100 hours, Respondent obtained two 2 mg doses of
19 Dilaudid each time for IV administration to Patient #44B. Respondent failed to document the
20 disposition of the four 2 mg IV doses of Dilaudid in any hospital, patient, or other record.

21 p. **Patient #88**. On or about April 26, 2005, at approximately 1725 hours,
22 Respondent obtained a 4 mg dose of Morphine Sulfate for IV administration to Patient #88.
23 Respondent failed to document the disposition of the 4 mg dose of Morphine Sulfate in any
24 hospital, patient, or other record.

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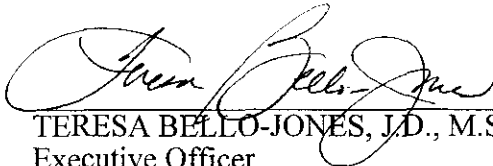
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1 2. Ordering William Cromwell II, also known as William Paul Cromwell II
2 to pay the reasonable costs incurred by the Board in the investigation and enforcement of this
3 case pursuant to Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.
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6 **DATED:** December 19, 2007.
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TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant
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